

Application No. 10/038,120
Amendment "B" dated September 8, 2004
Reply to Office Action mailed June 16, 2004

REMARKS/ARGUMENTS

Applicants wish to thank the Examiner for the courtesies extended during the telephonic interview of September 8, 2004. The amendments contained herein are consistent with what was discussed during the Examiner Interview. Reconsideration and allowance of the above-identified application are respectfully requested.

Claims 1-3, 5-20, 22-28, 32 and 35 are pending in the application, wherein claims 1, 3, 7 and 32 have been amended and claims 4, 30, 31, 33 and 34 have been canceled by the current amendment.

The Advisory Action indicates that claims 8-16 and 35 are allowed, dependent claim 4 defines allowable subject matter, and claims 1-3, 5, 6 17-20 and 22-28 would be allowable if claim 1 were amended to include the limitations of claim 4 as set forth in Amendment "B" and Response After Final Rejection filed August 16, 2004 (but not entered). Accordingly, independent claim 1 has been amended to incorporate the limitations of claim 4, which was merely objected to but determined by the Examiner to define allowable subject matter. As a result, claim 1 and each of the claims that depend from claim 1 are currently allowable. More specifically, claims 1-3, 5-6, 17-20 and 22-28 are currently allowable as the result of the amendment to claim 1. While method claims 17-20 and 22-28 were previously withdrawn from consideration, they are suitable for rejoinder since they merely claim a method of using the catalyst of amended claim 1, which has been deemed to be allowable over the prior art of record as a result of incorporating the limitations of claim 4.

Claim 7 was also amended to include the limitations of claim 4. Because originally filed claim 4 was deemed to be allowable over the prior art of record in the first Office Action, and because original independent claim 7 was narrower than original independent claim 1, it follows that claim 7, as now amended, is patentable over the prior art of record.

Claim 32 was similarly amended to include the limitations of claim 4. Accordingly, Applicants believe that claim 32 is likewise patentable over the prior art of record because it incorporates subject matter deemed by the Examiner to be allowable over the cited art.

In view of the foregoing, Applicants submit that the application is in allowable form and that the present amendment is suitable for entry after final rejection under Rule 116. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that

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may be clarified through a telephone interview, or which can be overcome by examiner amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 8th day of September 2004.

Respectfully submitted,



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